

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JOHN RUFFINO and MARTHA RUFFINO, Husband and Wife,	)	
	)	
	)	
Plaintiffs,	)	Civil Action No.: 3:17-cv-00725
	)	
v.	)	Jury Demand
	)	
DR. CLARK ARCHER and HCA HEALTH SERVICES OF TENNESSEE, INC. d/b/a STONECREST MEDICAL CENTER,	)	Judge Campbell Magistrate Judge Newbern
	)	
	)	
Defendants.	)	

**PLAINTIFFS' RESPONSE TO DEFENDANT'S MOTION IN LIMINE #3**

In their Motion in Limine #3 (“Motion”), the Defendant seeks an order limiting the Plaintiffs’ claims by precluding the Plaintiffs from presenting any evidence or argument that tPA can be safely administered past 4.5 hours. The ostensible support for this Motion is Rule 401 and 402.<sup>1</sup>

The Defendant’s argument that insufficient evidence supports one or more of Plaintiffs’ claims may only be advanced through dispositive motions procedures and protections of Rule 56. *See Louzon v. Ford Motor Co.*, 718 F.3d 556, 561 (6th Cir. 2013). The Motion should be denied because it is an improper attempt to have the Court dispose of substantive allegations/claims in the case through a motion in limine. *See Id.*

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<sup>1</sup> These rules have no logical connection to the relief sought. Clearly, evidence that tPA could be administered safely beyond 4.5 hours would be relevant to the issues in this case.

**RESPECTFULLY SUBMITTED,**

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**CERTIFICATE OF SERVICE**

I certify that I served all parties in this matter through counsel of record listed below with the foregoing by CM/ECF on December 21, 2018:

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